

**MEMORANDUM**

**TO:** ENERGY, ENVIRONMENT AND AGRICULTURE TASK FORCE MEMBERS  
**FROM:** TODD WYNN, TASK FORCE DIRECTOR  
**DATE:** July 3, 2013  
**RE:** 35-DAY MAILING—ANNUAL MEETING

---

The American Legislative Exchange Council will host its **Annual Meeting on August 7-9 in Chicago, IL** at the Palmer House Hilton. If you have not yet registered for this meeting, please click here for registration information or go to [www.alec.org](http://www.alec.org).

The following meetings are of interest to members of the Energy, Environment and Agriculture Task Force:

**Wednesday, August 7**

Energy Subcommittee Meeting 7:30a.m.-8:55a.m.

Agriculture Subcommittee Meeting 9:00a.m.-9:55a.m.

Environmental Health and Regulation Subcommittee Meeting 10:00a.m.-10:45a.m.

**Thursday, August 8**

Breakfast Plenary Session: A Thoughtful Approach to Climate Science 8:00a.m.-9:15a.m.

Workshop: The Economic Benefits and Political Challenges to Coal Exports 11:00a.m.-12:15 p.m.

**Friday, August 9**

Workshop: The Role of Advanced Energy Technologies in America 9:30 a.m.-10:45 a.m.

Energy, Environment and Agriculture Task Force Meeting 2:30 p.m.-5:30 p.m.

Energy, Environment and Agriculture Task Force Reception 5:30p.m.-6:30 p.m.

**The following materials are attached:**

- Agenda for the Energy, Environment and Agriculture Task Force Meeting (1 page)
- Agenda for the Energy Subcommittee Meeting (1 page)
- Agenda for the Agriculture Subcommittee Meeting (1 page)
- Agenda for the Environmental Health and Regulation Subcommittee Meeting (1 page)
- Annual Meeting Agenda-at-a-Glance (1 page)
- Reimbursement Policy by Meeting, ALEC Task Force Operating Procedures and ALEC Mission Statement (16 pages)
- Attendee Registration Housing Form and Spouse/Guest Registration Housing Form (2 pages)
- Model Policy ( 9 pages)

If you have any questions or concerns regarding the meeting, please contact me at (202) 494-1475 or by e-mail [twynn@alec.org](mailto:twynn@alec.org).

Sincerely,  
Todd Wynn

## **2013 Annual Meeting Working Agenda\***

### **Wednesday, August 7**

Registration Open, 7:30 a.m. - 5:00 p.m.

Exhibit Hall Open, 9:30 a.m. - 5:00 p.m.

Subcommittee Meetings, 7:30 a.m. – 11:30 a.m.

Plenary Lunch, 11:30 a.m. - 1:30 p.m.

Workshops, 1:45 p.m. – 4:30 p.m.

Various Receptions, 5:00 p.m. – 8:30 p.m.

### **Thursday, August 8**

Registration, 7:30 a.m. - 5:00 p.m.

Exhibit Hall Open, 9:30 a.m. - 5:00 p.m.

Plenary Breakfast, 8:00 a.m. - 9:15 a.m.

Workshops, 9:30 a.m. - 12:15 p.m.

Plenary Lunch, 12:30 p.m. - 2:15 p.m.

Task Force Meetings, 2:30 p.m. - 5:30 p.m.

Various Receptions, 5:30 p.m. – 11:30 p.m.

### **Friday, August 9**

Registration, 7:30 a.m. - 12:30 p.m.

Exhibit Hall Open, 9:30 a.m. - 12:00 p.m.

Plenary Breakfast, 8:00 a.m. - 9:15 a.m.

Workshops, 9:30 a.m. - 12:15 p.m.

Plenary Lunch, 12:30 p.m. - 2:15 p.m.

Task Force Meetings, 2:30 p.m. - 5:30 p.m.

Various Receptions, 5:30 p.m. – 6:30 p.m.

State Night Dinners, *Times Will Vary*

\*items subject to change

## **REIMBURSEMENT POLICY BY MEETING**

### ***ALEC Spring Task Force Summit:***

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to a predetermined set limit for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for a two-night stay are covered by ALEC.
3. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
4. ***State Reimbursement Form:*** Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state reimbursement account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
5. *Non-Task Force Members* can be reimbursed out of the state reimbursement fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

### ***ALEC Annual Meeting:***

***State Reimbursement Form:*** State reimbursement funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

### ***ALEC States & Nation Policy Summit:***

1. ***States & Nation Policy Summit Reimbursement Form:*** ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for a total of \$2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Reimbursement Form:*** Any other fees or payments must come out of the state reimbursement account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

### ***ALEC Academies:***

***Academy Reimbursement Form:*** Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to \$500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.



## **American Legislative Exchange Council TASK FORCE OPERATING PROCEDURES**

### ***I. MISSION OF TASK FORCES***

Assume the primary responsibility for identifying critical issues, developing ALEC policy, and sponsoring educational activities which advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. The mission will be accomplished through a non-partisan, public and private partnership between ALEC's legislative and private sector members in the specific subject areas assigned to the Task Force by the Legislative Board of Directors.

### ***II. TASK FORCE RESPONSIBILITIES***

- A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC's official policy statements and model legislation appropriate to the **specific subject areas** of the Task Force.
- B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC's state legislator and private sector members.
- C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:
  - publications that express policy positions, including, but not limited to State Factors and Policy Briefs;
  - educational communication and correspondence campaigns;
  - issue specific briefings, press conferences and press campaigns;
  - witness testimony and the activities of policy response teams;
  - workshops at ALEC's conferences; and
  - specific focus events.
- D. The Executive Director is to develop an **annual budget**, which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.

### ***III. GENERAL PROCEDURES***

- A. Requests from ALEC members for policy statements, model legislation and educational activities shall be directed by the Executive Director to the appropriate Task Force, or the Legislative Board of Directors if the issue does not fall within the **jurisdiction** of any Task Force. The appropriate Public and Private Sector Task Force Co-Chairs determine the agenda for each Task Force meeting, and the meetings will be called and conducted in accordance with these Operating Procedures.

The Director of Policy with the consent of the Executive Director assigns a model bill or resolution to the most appropriate Task Force based on Task Force content and prior jurisdictional history 35 days before a Task Force Meeting. All Task Force Co-Chairs will be provided an email or fax summary of all **model bills and resolutions 35 days before** the Task Force meeting

If both the Co-Chairs of a Task Force are in agreement that they should have jurisdiction on model legislation or a resolution, the legislation or resolution will be considered by the Task Force. If the other Task Force Co-Chairs believe they should have jurisdiction or if the author of the model bill or resolution does not agree on the jurisdictional assignment of the bill, they will have **10 days after the 35-day mailer deadline** to submit in writing or by electronic appeal to the Director of Policy their intent to challenge the jurisdiction assignment. The Director of Policy will notify the Executive Director who will in turn notify the National Chair and the Private Enterprise Advisory Council Chair. The National Chair and the Private Enterprise Advisory Council Chair will in turn refer the matter in question to the Legislative Board of Directors Task Force Board Committee. The Director of Policy will establish a conference call for the Task Force Board Committee co-chairs, the author, the affected Task Force Co-Chairs and the Director of Policy at a time convenient for all participants.

**The Task Force Board Committee Co-Chairs** shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill or resolution be reassigned to a committee as they specify once agreed upon by the **National Chair and the Private Enterprise Advisory Council Chair**. The bill or model resolution is still eligible to be heard in whatever Task Force it is deemed to be assigned to as if submitted to the correct Task Force for the 35-day mailer. The National Chair and the Private Enterprise Advisory Council Chair decision is final on this model bill or resolution.

**Joint referral of model legislation and/or resolutions** are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a

working group, subcommittee, or simply meet consecutively or concurrently if necessary.

If the Task Force co-chairs both agree to waive jurisdiction, they may do so as long as another Task Force still has jurisdiction.

The National Chair and the Private Enterprise Advisory Council Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Advisory Council Chair.

- B. **The National Chair and the Private Enterprise Advisory Council Chair** will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.
- C. **The Legislative Board of Directors** shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Legislative Board of Directors from developing ALEC policy; however, such a practice should be utilized only in exceptional circumstances. Before the policy is adopted by the Legislative Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Legislative Board of Directors.
- D. The **operating cycle of a Task Force** is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.
- E. If a Task Force is **unable to develop an operating budget**, the Legislative Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of

membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.

- F. **The Legislative Board of Directors** shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Legislative Board of Directors, the amount of general support funds available to underwrite such Task Forces.

#### **IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES**

- A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force's operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year's assessment for the Task Force operating budget prior to March 31<sup>st</sup>, unless an alternative date has been approved by the Executive Director.
- B. Each Task Force shall have least two **Co-Chairs**; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI(B). The Co-Chairs shall be responsible for:
- (1) calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
  - (2) appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
  - (3) creating subcommittees, and determining each subcommittee's mission, membership limit, voting rules, deadlines, and term of service; and
  - (4) selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.
  - (5) Reviewing bills that are approaching the five year Sunset as specified in Section
- C. Each Task Force shall have an **Executive Committee** appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The

Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B)); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F)); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).

- D. Each Task Force may have any number of **subcommittees**, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee's mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force and the Legislative Board of Directors before it can be considered official ALEC policy.
- E. Each Task Force may have advisors, appointed in accordance with Section VI (G). **Advisors** shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.

#### ***V. Task Force Budgets***

- A. Each Task Force shall develop and operate a yearly budget to fund meetings.
- B. The **operating budget** shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a Task Force's operating budget at the end of a year are transferred to ALEC's general membership account.
- C. The operating budget shall not be used to cover Task Force meeting expenses associated with **alternate task force members'** participation, unless they are



appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state's scholarship account.

- D. The **programming budget** shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

## **VI. PROCESS FOR SELECTING TASK FORCE MEMBERS, CHAIRS, COMMITTEES AND ADVISORS**

### **VI. PROCESS FOR SELECTING TASK FORCE MEMBERS, ALTERNATES, TEMPORARY ALTERNATES, CHAIRS, COMMITTEES AND ADVISORS**

- A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing three legislative Task Force Members and up to five Alternate Legislative Members who will serve for the current operating cycle, after receiving nominations from ALEC's Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the **appointment cannot be made earlier than thirty days** after the new member has been nominated. The Temporary Alternate appointment is the only exception. Each state has one temporary alternate position available for each Task Force. No less than seven days prior to the Task Force Meeting, the State Chair may submit a Temporary Alternate appointment in writing to the Task Force Director. The Temporary Alternate does not have permanent status on the Task Force and may not introduce legislation. The appointment ends at the adjournment of the Task Force Meeting. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature.
- B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chair will jointly select and appoint in writing **the Task Force Chair** who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than

five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairs will jointly make the final selection, but should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Legislative Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairs may reappoint a Task Force Chair to a second operating cycle term.

- C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the **Task Force Executive Committee**, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.
- D. Prior to February 1 of each year, the Private Enterprise Advisory Council Chair and the immediate past Private Enterprise Advisory Council Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current year. The appointment letter shall be mailed to the individual designated as the primary contact for the private sector entity. At any time during the year, the Chair of the Private Enterprise Advisory Council may appoint in writing **new private sector members** to each Task Force, but no earlier than thirty days after the new member has qualified for full membership in ALEC and contributed the assessment for the appropriate Task Force's operating budget.
- E. Prior to January 10 of each odd-numbered year, the Chair of the Private Enterprise Advisory Council and the immediate past Private Enterprise Advisory Council Chair will select and appoint in writing the **Task Force Private Sector Co-Chair** who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Private Sector Chair and may be placed in rank order prior to transmittal to the Chair of the Private Enterprise Advisory Council. The Chair and the immediate past Chair of the Private Enterprise Advisory Council will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Advisory Council will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Advisory Council may reappoint a Task Force Private Sector Chair to a second operating cycle term.

- F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the **private sector members of the Task Force Executive Committee**, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.
- G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as **advisors** to the Task Force. The National Chair and the Private Enterprise Advisory Council Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.

## ***VII. REMOVAL AND VACANCIES***

- A. The National Chair may remove any Public Sector **Task Force Co-Chair** from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.
- B. The Public Sector Task Force Co-Chair may remove any legislative member of an **Executive Committee or subcommittee** from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.
- C. The Chair of the Private Enterprise Advisory Council may remove **any Private Sector Task Force Co-Chair** from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues. .
- D. The Private Sector Task Force Co-Chair may remove any **private sector member of an Executive Committee or subcommittee** from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.
- E. The Public and Private Sector Task Force Co-Chairs may remove an **advisor** from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.

- F. Any member or advisor may **resign** from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.
- G. All **vacancies** for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

### ***VIII. MEETINGS***

- A. **Task Force meetings** shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII (H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. **Executive Committee meetings** shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.

All ALEC model bills and resolutions will have an original adoption date and five year sunset date which can be renewed by a vote of the Task Force Executive Committee or the full Task Force and the ALEC Legislative Board of Directors.

All bills or model resolutions that are four years from adoption date will have one year for the Task Force to review and vote on whether to extend another five years. The Task Force Director will transmit all four year old model bills and resolutions to the Task Force Executive Committee no later than **65 Days** before the next Task Force Meeting.

In the **65 Day Notice** ALEC Staff will make one of the following recommendations for each four year model bill or resolution to the Task Force Executive Committee.

- The policy should sunset
- The policy should be amended
- The policy should be retained

The Task Force Co Chairs may appoint a special committee to review the recommendations from the ALEC staff. Executive Committees are to vote **40 Days** prior the next Task Force Meeting. The Executive Committees shall vote by phone, in person, or by any electronic means.

If a two-thirds majority of the Task Force **Executive Committee votes to retain** the model bill or resolution that action is to be reported to the full Task Force. The model bill or resolution will be directly transmitted to the Legislative Board of Directors for consideration. No Task Force vote is necessary since the model bill or resolution is existing policy and both the Task Force Executive Committee and the Legislative Board of Directors will vote to extend the sunset.

If a majority of the Task Force **Executive Committee agrees to sunset, amend, or retain** the model bill or resolution the model policy moves onto the full Task Force. The Task Force Executive Committee will transmit all model bills that are to expire as sunset or that are to be amended to the full Task Force. At the Co-Chairs discretion, any bill or resolution up for task force consideration may be placed on the **consent slate** that will go before the full Task Force.

Any member of the Task Force may make a motion to separate any model bill or resolution from the Consent calendar but must have an additional four members of the Task Force rise in support to second the motion. It would take a majority of the public and private sector bill to take any action on the model bill or resolution.

All model bills retained, amended, or sunset will go before the Legislative Board of Directors for approval before adoption as described in Section IX.

- B. **At least forty-five days** prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or **amendment** of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).
- C. **All Task Force meetings are open** to registered attendees and invited guests of ALEC meetings and conferences. Only Legislative Members who serve as regular Task Force Members may introduce any resolution, policy statement or model bill. Private Sector Task Force members will be allowed to participate in the Task Force meeting discussions and be seated at the table during Task Force meetings.

- D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the **appointment letter** sent pursuant to Section VI (D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.
- E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of **Roberts Rules of Order**, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.
- F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A **vote** on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. **No proxy, absentee or advance voting is allowed.**
- G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a **Task Force vote by mail or any form of electronic communication** on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and policy statements be mailed or notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.
- H. For purposes of Sections VIII(A), (B) and (G), an **emergency situation** can be declared by:

- (1) Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or
  - (2) At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.
- I. Ten Task Force members shall **constitute a quorum** for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

## IX. ***REVIEW AND ADOPTION PROCEDURES***

- A. All Task Force policy statements, model bills or resolutions shall become **ALEC policy** either: (1) upon adoption by the Task Force and being deemed within the scope of ALEC's core mission affirmation by the Legislative Board of Directors or (2) 70 days after adoption by the Task Force if no member of the Legislative Board of Directors requests **a formal review by the Board of Directors**, or (3) the National Chair may request an expedited vote on any bill that passed the Task Force by a 2/3 vote and is deemed within ALEC's core mission which waives all the Board deadlines. General information about the adoption of a policy position may be announced upon adoption by the Task Force.
- B. The Executive Director/Senior Director of Policy shall transmit within 20 days all Task Force policy statements, model bills or resolutions to the Executive Committee of the Board of Directors. The Executive Committee shall review and determine that each bill or model resolution is deemed within the scope of core issues. If not found to be within the scope of core issues the bill is returned to the Task Force. If the bill is found to be within the scope of core issues it shall be placed before the Board for consideration for adoption.
- C. The Executive Director/Senior Director of Policy shall transmit from the Executive Committee to the full Board any policy statement, model bill or resolution within ten days of such approval. Members of the Legislative Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Legislative Board of Directors may request that the policy be formally reviewed by the Legislative Board of Directors before the policy is adopted as official ALEC policy.

D. A member of the Legislative Board of Directors may request a formal review by the Legislative Board of Directors. The **request must be in writing** and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chair to the appropriate Task Force Chair. The National Chair shall schedule a formal review by the Legislative Board of Directors no later than the next scheduled Legislative Board of Directors meeting. If the model bill or resolution has previously undergone a challenge before the full Board the National Chair may elect any of the following options:

- Allow for a second formal review
- Allow for a vote only at the next Board Meeting waiving Section IX (E) except for staff analysis.
- Allow for an early vote of the full board by any means of electronic communication waiving Section IX(E) except for staff analysis.

E. The review process will **consist of key members of the Task Force**, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Legislative Board of Directors. The following is the review and adoption procedures:

- **Notification of Committee:** Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces' model bills or resolutions.
- **Staff Analysis:** Will be prepared in a neutral fashion. The analyses will include:
  - History of Task Force action
  - Previous ALEC official action/resolutions
  - Issue before the Board
  - Proponents arguments
  - Opponents arguments
- **Standardized Review Format:** To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
  - Task Force Chair(s) will be invited to attend the Board Review
  - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
  - Twenty minutes that is equally divided will be given for both sides to present before the Board.
  - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
  - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.
  - All votes will be recorded for the official record.



- **Notification of Committee:** The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.

**F. The Legislative Board of Directors can:**

- (1) Vote to affirm the policy or affirm the policy by taking no action,  
or
- (2) Vote to disapprove the policy, or
- (3) Vote to return the policy to the Task Force for further consideration providing reasons therefore.

- G. Task Forces may only undertake educational activities that are based on a policy statement, model bill or resolution that has been adopted as official ALEC policy, unless the Task Force votes to undertake the educational activity, in which case the educational activity is subjected to the same review process outlined in this Section. It is the responsibility of the Task Force Executive Committee to affirm by three-fourths majority vote conducted in accordance with Section VIII that an educational activity conforms to a policy statement, model bill or resolution.

**X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.**

Exceptions to these Task Force Operating Procedures must be approved by the Legislative Board of Directors.



## **Mission Statement**

To advance free markets, limited government,  
and federalism.

# ATTENDEE REGISTRATION/HOUSING FORM

40<sup>th</sup> Annual Meeting  
August 7 – August 9



Early registration deadline: June 19, 2013  
Standard registration deadline: July 17, 2013  
Housing Cut-off deadline: July 17, 2013

The Palmer House Hilton  
17 East Monroe Street • Chicago, IL 60603

Online  
www.alec.org

Fax (credit cards only)  
202.331.1344

Phone / Questions • Mon-Fri, 9am-5:00 pm EST  
571-482-5056

## ATTENDEE INFORMATION

Prefix (required) ☐ Sen ☐ Rep ☐ Del ☐ Mr ☐ Mrs ☐ Ms ☐ Other \_\_\_\_\_  
Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_ Badge Nickname \_\_\_\_\_  
Title \_\_\_\_\_  
Organization (required) \_\_\_\_\_  
Primary Address ☐ Business ☐ Home \_\_\_\_\_  
City \_\_\_\_\_ State/Province \_\_\_\_\_ Country \_\_\_\_\_ ZIP/Postal code \_\_\_\_\_  
Daytime phone \_\_\_\_\_ Fax \_\_\_\_\_ Alternate phone \_\_\_\_\_  
Email (confirmation will be sent by email) \_\_\_\_\_  
Emergency Contact Name \_\_\_\_\_ Day Phone \_\_\_\_\_ Evening Phone \_\_\_\_\_  
Dietary Restrictions \_\_\_\_\_  
☐ This is my first time attending an ALEC event.

\*Spouse / Guest/Kids' Congress: If registering a spouse or guest, please complete the spouse/guest registration form

## REGISTRATION INFORMATION

\*\* Please note that member fees are subject to verification

	EARLY ending June 19	STANDARD ending July 17	ON-SITE beginning July 18	DAILY
<input type="checkbox"/> ALEC Legislative Member	\$475	\$575	\$675	\$295
<input type="checkbox"/> Legislator / Non-Member	\$575	\$675	\$725	\$395
<input type="checkbox"/> ALEC Private Sector Member	\$840	\$930	\$1099	\$595
<input type="checkbox"/> Private Sector / Non-Member	\$975	\$1065	\$1350	\$695
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)	\$610	\$685	\$760	\$395
<input type="checkbox"/> Non-Profit Non-Member (501(c)(3) status required)	\$725	\$800	\$875	\$495
<input type="checkbox"/> Legislative Staff / Government	\$650	\$750	\$900	\$495
<input type="checkbox"/> ALEC Alumni	\$525	\$625	\$725	\$345
<input type="checkbox"/> ALEC Legacy Member	\$0	\$0	\$0	\$0

REGISTRATION FEES: \$ \_\_\_\_\_

### METHOD OF REGISTRATION PAYMENT

**Credit Card:** Credit cards will be charged immediately. Please fax to the above number for processing.

☐ Amer Express ☐ Visa ☐ MasterCard

Card # \_\_\_\_\_

Cardholder (please print) \_\_\_\_\_

Exp Date (mm/yy) \_\_\_\_\_ Security Code \_\_\_\_\_

Signature \_\_\_\_\_

**Note:** Registration forms with enclosed payments must be received by 5pm EST on the following dates to be eligible for discounted registration rates: June 19, 2013, for early registration rates, or July 17, 2013, for standard registration rates. Forms and/or payments received after July 17, 2013 will be subject to the on-site registration rate.

### REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed, faxed, or mailed within 72 hours of receipt of payment.

### REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5:00pm EST July 17, 2013 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5:00pm EST July 17, 2013. All refund requests must be made in writing and sent via email to meetings@alec.org. Registration fees may be transferred from one registrant to another. Please send a transfer request in writing via email to meetings@alec.org.

## HOUSING

RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS 5pm EST July 17, 2013

The Palmer House Hilton

Arrival Date \_\_\_\_\_ Departure Date \_\_\_\_\_

Sharing with: (Maximum 4 guests per room )

### Room Rates

<input type="checkbox"/> Single	\$189
<input type="checkbox"/> Double	\$189
<input type="checkbox"/> Triple	\$214
<input type="checkbox"/> Quad	\$239

### Special requests

☐ ADA room required:  
\_\_\_\_ Audio \_\_\_\_ Visual \_\_\_\_ Mobile  
☐ Rollaway / crib: \_\_\_\_\_  
☐ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All rates DO NOT include state and local tax currently 16.40% (subject to change)

### Credit Card Information/ Reservation Guarantee

Credit Card information is required at time of reservation to guarantee the reservation. Card must be valid through August 2013

☐ Please use the same credit card information as above.

☐ Amer Express ☐ Visa ☐ MasterCard ☐ Discover

Card # \_\_\_\_\_

Cardholder (please print) \_\_\_\_\_

Exp Date (mm/yy) \_\_\_\_\_ Security Code \_\_\_\_\_

Signature \_\_\_\_\_

**Note:** Cutoff for reservations at the ALEC rate is July 17, 2013. After July 17, 2013 every effort will be made to accommodate new reservations, based on availability and rate.

### HOUSING CONFIRMATION INFORMATION

Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email, fax, or mail within 72 hours of receipt.

### HOUSING CANCELLATION / REFUND INFORMATION

Cancellations made within 24 hours of arrival will forfeit one night's room and tax. All changes and/or cancellations must be made directly with the hotel. Please obtain a cancellation number when your reservation is cancelled.

# SPOUSE / GUEST / KIDS' CONGRESS REGISTRATION FORM

40<sup>th</sup> Annual Meeting  
August 7 – August 9

Early registration deadline: June 19, 2013  
Standard registration deadline: July 17, 2013

The Palmer House Hilton  
17 East Monroe Street • Chicago, IL 60603



Online  
www.alec.org

Fax (credit cards only)  
202.331.1344

Phone / Questions • Mon-Fri, 9am-5:00 pm EST  
571-482-5056

**IMPORTANT: Please identify the ALEC attendee**

## ALEC ATTENDEE Profile Information

First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
Daytime Phone \_\_\_\_\_  
Email (Confirmation will be sent by email) \_\_\_\_\_

SPOUSE / GUEST / KIDS' CONGRESS Registration Fees	(#) x	EARLY ending June 19	STANDARD ending July 17	ON-SITE beginning July 18	DAILY	Amount
A. Spouse / Guest / Child 18 yrs or older	( ) x	\$150	\$150	\$150	n/a	= \$ _____
B. Kid's Congress (6 months to 17 yrs) <b>for ALEC Members Full Conference Rate</b>	( ) x	\$250	\$350	\$550	n/a	= \$ _____
C. Kid's Congress (6 months to 17 yrs) <b>for Non-ALEC Members Full Conference Rate</b>	( ) x	\$350	\$450	\$650	n/a	= \$ _____
D. Kid's Congress (6 months to 17 yrs) <b>Day rate: Wed., Thurs., or Fri.</b>	( ) x	\$150	\$150	\$250	n/a	= \$ _____
SPOUSE / GUEST / KID'S REGISTRATION FEE(S) TOTAL \$ _____						

Spouse / Guest / Child Names <i>Please list the names of the spouse / guest / children below</i>					
Spouse / Guest / Child Name	Child Date of Birth	Registration Type A,B,C,D (above)	Spouse / Guest / Child Name	Child Date of Birth	Registration Type A,B,C,D (above)
1. _____	_____	_____	5. _____	_____	_____
2. _____	_____	_____	6. _____	_____	_____
3. _____	_____	_____	7. _____	_____	_____
4. _____	_____	_____	8. _____	_____	_____

## Payment Information

**Credit Card:** Credit cards will be charged immediately. Please fax to the above number for processing.

☐ American Express Card # \_\_\_\_\_  
☐ Visa Cardholder (please print) \_\_\_\_\_  
☐ MasterCard Exp Date (mm/yy) \_\_\_\_\_ Security Code \_\_\_\_\_  
Signature \_\_\_\_\_

**Check / money order:** Payment must be in U.S. currency drawn on a U.S. bank. Please make check payable to ALEC Registration and send to above address.

**Note:** Registration forms with enclosed payments must be received by 5pm EST on the following dates to be eligible for discounted registration rates: June 19, 2013, for early registration rates, or July 17, 2013, for standard registration rates. Forms and/or payments received after July 17, 2013 will be subject to the on-site registration rate.

## Confirmation Information

Online registrants will receive immediate confirmation via email. If registering by written form, confirmation will be emailed (if address provided), faxed, or mailed within 72 hours of receipt of payment.

## Cancellation / Refund Information

Registrations cancelled prior to 5:00pm EST July 17, 2013 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5:00pm EST July 17, 2013. All refund requests must be made in writing and sent via email to meetings@alec.org.

**ALEC ENERGY, ENVIRONMENT AND AGRICULTURE  
TASK FORCE MEETING**

2013 ANNUAL MEETING

CHICAGO, ILLINOIS

AUGUST 9, 2013

2:30PM – 5:30PM

TENTATIVE AGENDA

2:30 Call to Order, Welcome, and Introductions

*Representative Tom Lockhart, Wyoming*

*Paul Loeffelman, American Electric Power*

2:35 Model Resolution: Resolution in Opposition to a Carbon Tax

2:50 Update on Federal Lands Transfer and Discussion of Eastern State Participation

*Representative Ken Ivory, Utah*

3:00 Model Resolution: Resolution in Support of Electric Power Grid Modernization Principles

3:15 Local Bans on Hydraulic Fracturing: Coming Soon to Your District

*Jon Shore and Rebecca Heimlich, American Petroleum Institute*

3:30 The U.S. Environmental Protection Agency Assault on State Sovereignty

*William Yeatman, Competitive Enterprise Institute*

3:45 Nuclear Energy's Continuing Role in Providing Baseload Electricity

*TBD*

4:05 Model Legislation: Pre-emption of Local Agriculture Laws Act

4:20 Developing America's Offshore Energy Potential: Good Sense and Good Cents

*Randall Luthi, National Ocean Industries Association*

4:35 Model Legislation: The Market-Power Renewables Act

4:55 Model Legislation: Renewable Energy Credits Act

5:15 Discussion on Launching Task Force Webinar Series

*Representative Tom Lockhart (WY), Paul Loeffelman (AEP), Todd Wynn (Task Force Director)*

5:25 For the Good of the Order

5:30 Adjournment

## ENERGY SUBCOMMITTEE

2013 ANNUAL MEETING

CHICAGO, ILLINOIS

AUGUST 7, 2013

7:30 AM-8:55 AM

### TENTATIVE AGENDA

- 7:30 a.m. Welcome and Introductions  
*Representative Bette Grande, North Dakota*  
*Kyle Rogers, American Gas Association*
- 7:35 a.m. Model Resolution: Resolution in Support of Electric Power Grid Modernization Principles
- 7:55 a.m. LNG exports: A Story of American Innovation and Economic Opportunity  
*Jason French, Cheniere Energy*
- 8:10 a.m. Model Legislation: The Market-Power Renewables Act
- 8:30 a.m. Model Legislation: Renewable Energy Credits Act
- 8:50 a.m. For the Good of the Order
- 8:55 a.m. Adjournment

## AGRICULTURE SUBCOMMITTEE

2013 ANNUAL MEETING

CHICAGO, ILLINOIS

AUGUST 7, 2013

9:00AM-9:55AM

### TENTATIVE AGENDA

- 9:00 a.m. Welcome and Introductions  
*Representative Sal Esquivel, Oregon*  
*Jeff Case, CropLife America*
- 9:05 a.m. Pollinators and Crop Protection: Working Together to Improve Bee Health and Minimize Risks  
*Elsa Zisook*
- 9:20 a.m. Model Legislation: Pre-emption of Local Agriculture Laws Act
- 9:35 a.m. Labeling of Genetically Engineered Foods  
*TBD*
- 9:50 a.m. For the Good of the Order
- 9:55 a.m. Adjournment



## ENVIRONMENTAL HEALTH AND REGULATION SUBCOMMITTEE

2013 ANNUAL MEETING

CHICAGO, ILLINOIS

AUGUST 7, 2013

10:00AM-10:45AM

### TENTATIVE AGENDA

- 10:00 a.m. Welcome and Introductions  
*Representative Andrea Lea, Arkansas*  
*Jenn Mendez, Carpet and Rug Institute*
- 10:05 a.m. Extended Producer Responsibility: Costly government mandates on manufacturers for what result?  
*Kevin Canan, The Product Management Alliance*
- 10:20 a.m. Model Resolution: Resolution in Opposition to a Carbon Tax
- 10:40 a.m. For the Good of the Order
- 10:45 a.m. Adjournment



**Resolution in Opposition to a Carbon Tax**

**WHEREAS**, affordable and abundant electricity is a strategic resource that is essential to modern life, America's economic competitiveness, and, ultimately, independence from foreign sources of energy; and

**WHEREAS**, the application of a carbon tax to gasoline and other transportation fuels will have a dramatic, immediate impact on transportation costs, with the greatest impact being felt by low-income Americans and their families; and

**WHEREAS**, a carbon tax, by design, will result in substantial, immediate increases in the price of electricity, making electricity less affordable for millions of Americans; and

**WHEREAS**, a carbon tax is regressive and will impose the greatest burden on low-income individuals and families who already spend the largest share of their income on energy and are least able to afford a carbon tax; and

**WHEREAS**, economic modeling of Australia's recently implemented carbon tax shows that it increases energy costs, and reduces growth in GDP, productivity, and household incomes; and

**WHEREAS**, a carbon tax in the United States will have no impact on China, India, and other major sources of carbon emissions throughout the world, except to increase their competitiveness relative to the United States; and

**WHEREAS**, a carbon tax will put United States exporters at a competitive disadvantage by increasing domestic manufacturing production costs; and

**WHEREAS**, the sole purpose of the tax code should be to fund necessary government functions rather than to manipulate consumer decisions.

**NOW THEREFORE BE IT RESOLVED THAT** the American Legislative Exchange Council opposes all Federal and state efforts to establish a carbon tax on fuels for electricity and transportation.

## Resolution in Support of Electric Power Grid Modernization Principles

### *Summary*

Several state legislatures and state public utility commissions are examining ways to modernize their electric power grids. These efforts to modernize electric power grids have raised significant issues relating to reliability, efficiency, privacy, and cybersecurity, among others, for policymakers and consumers to consider. To assist policymakers as they consider these issues, this resolution establishes seven foundational principles for electric power grid modernization.

### *Model Resolution*

**WHEREAS**, ALEC supports the modernization of the electric power grid to make it more efficient and offer benefits to consumers; and

**WHEREAS**, ALEC has previously adopted energy principles that express that reliable electricity supply depends in part upon significant improvements of the electric power grid; and

**WHEREAS**, State regulatory commissions, acting under authority granted by state legislatures, are responsible for ensuring that electric power grid modernization investments funded wholly or in part by retail ratepayer dollars are just and reasonable, and properly balance the needs of all consumers, as well as the needs of utilities; and

**WHEREAS**, State legislators and regulators are in position to consider unique local situations, including electric power market structures, infrastructure needs, consumer concerns, and policy priorities; and

**WHEREAS**, ALEC members have participated in dialogues with governmental and industry experts on electric power grid modernization, addressing important issues including reliability, cyber security, benefits and costs, consumer education and consumer protection, including consumer privacy; now, therefore be it

**THEREFORE BE IT RESOLVED**, That the American Legislative Exchange Council while recognizing that electric power grid modernization will evolve over time and additional principles may emerge, endorses the following foundational principles relating to electric power grid modernization for the purpose of educating ALEC members and identifying issues of interest to State legislators, the federal government and others: 1) electric power grid modernization investments can provide benefits to consumers; 2) grid modernization deployment projects need to demonstrate that the benefits outweigh costs; 3) prudent costs must be recovered; 4) advanced meters are an important components of a modernized grid; 4) rules to govern access to data are necessary; 5) safeguarding the privacy of consumers' data is critical; and 5) cyber and physical security of the modernized grid is essential.

## **Pre-emption of Local Agriculture Laws Act**

### ***Summary***

Makes legislative finding and declaration that regulation of agricultural seed, flower seed and vegetable seed and products of agricultural seed, flower seed and vegetable seed be reserved to state. Prohibits enactment or enforcement of local measures to regulate agricultural seed, flower seed and vegetable seed or products of agricultural seed, flower seed and vegetable seed.

### ***Model Legislation***

#### **Section 1.**

The Legislative Assembly finds and declares that:

- (1) The production and use of agricultural seed, flower seed and vegetable seed and products of agricultural seed, flower seed and vegetable seed are of substantial economic benefit to this state;
- (2) The economic benefits resulting from agricultural seed, flower seed and vegetable seed and seed product industries in this state make the protection, preservation and promotion of those industries a matter of statewide interest that warrants reserving exclusive regulatory power over agricultural seed, flower seed and vegetable seed and products of agricultural seed, flower seed and vegetable seed to the state; and
- (3) The agricultural seed, flower seed and vegetable seed and seed product industries in this state will be adversely affected if those industries are subject to a patchwork of local regulations.

#### **Section 2.**

- (1) As used in this section, "local government" has the meaning given that term in {**State General Statutes**}
- (2) Except as provided in subsection 3 of this section, a local government may not enact or enforce a measure, including but not limited to, an ordinance, regulation, control area or quarantine, to inhibit or prevent the production or use of agricultural seed, flower seed or vegetable seed or products of agricultural seed, flower seed or vegetable seed. The prohibition imposed by this subsection includes, but is not limited to, any measures for regulating the display, distribution, growing, harvesting, labeling, marketing, mixing, notification of use, planting, possession, processing, registration, storage, transportation or use of agricultural seed, flower seed or vegetable seed or products of agricultural seed, flower seed or vegetable seed.

(3) Subsection 2 of this section does not prohibit a local government from enacting or enforcing a measure to inhibit or prevent the production or use of agricultural seed, flower seed or vegetable seed or products of agricultural seed, flower seed or vegetable seed on property owned by the local government.

DRAFT

## **The Market-Power Renewables Act**

### **Section 1. Intent**

The legislature finds that the current system of mandated purchase of renewable energy has created negative economic and environmental consequences. The high cost of renewable energy is paid by all state citizens, including those who already struggle to pay the cost of electricity. Renewable portfolio standards actually limit the amount of renewable energy sold by removing the incentive for electric utilities or electricity ratepayers to purchase anything above the mandated amounts.

The legislature further finds that the public wishes to have the freedom to purchase renewable energy. Removing regulatory burdens that prevent electricity ratepayers from purchasing renewable energy allows electricity ratepayers to choose which electricity generation source they most desire while eliminating the burden of costs from electricity ratepayers who cannot afford to pay for higher cost energy. A voluntary market allows those with the income and desire to invest in renewable energy to do so without requiring others to bear the burden of costs they cannot afford.

The legislature finds that voluntary markets can and have led to higher renewable energy levels than those forced by renewable portfolio standards.

The legislature finds that a voluntary renewable energy credit market can provide more environmental benefit for each dollar, maximizing the environmental benefit compared to mandatory systems.

Therefore, the legislature finds the creation of a voluntary market for renewable energy is superior to a mandated system that forces increased costs on those who cannot afford them and actually limits the amount of renewable energy purchased by discouraging sales above the mandated level.

### **Section 2. Definitions**

"Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases.

"Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of a renewable resource, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity. Any credit certified by the North American Renewables Registry or one of the regional registries, including ERCOT, MIRECS, M-RETS, NC-RETS, NEPOOL, PJM-EIS or WREGIS, is eligible to be included in the registry.

### **Section 3. The Renewable Power Market**

1. The Renewable Power Market is created.
  - a. The {state} public utility commission/public service commission will create a single state registry for all organizations selling certified renewable energy credits. Any organization selling certified renewable energy credits are eligible to participate, including utilities and independent power producers.
  - b. The {state} public utility commission/ public service commission will create an online gateway listing all certified REC sellers including information about the credits. The gateway must include updated information provided by the seller, including:
    - i. Name and contact information of the selling entity
    - ii. Price
    - iii. Nonpower attributes
  - c. Entities wishing to participate in the state's Renewable Power Market must apply to the {state} public utility commission/public service commission and pay a fee of no greater than \$500.
2. By January 31, certified REC sellers will report the total number of kilowatt hours of Renewable Energy Credits sold during the previous year.
3. By February 28, the public utility commission/public service commission will certify the percentage of statewide energy covered by RECs sold in the renewable power market. If this percentage is greater than the previous year, the public utility commission/public service commission will designate that percentage as the state's non-declining "REC share."
4. The existing renewable portfolio standard will be recalculated annually, reducing the existing renewable energy requirement by the state's REC share.
5. The remaining renewable portfolio standard will be eliminated in 2025.
6. This Act recognizes the prudence and reasonableness of the renewable contracts and investments already approved, being made, or planned in order to comply with the standard and the Public Utility Commission shall allow for recovery of those costs by the utility.

### **Section 4. Revenue Exempted from Utility Regulation**

Any electric utility revenue from the sales of Renewable Energy Credits shall be considered separate from revenue earned as part of a utility's regulated operations and are not subject to oversight or consideration by the {state} public utility commission.



## Renewable Energy Credit Act

### Section 1. Intent

1. The legislature finds that a mix of electricity fuel resources in the state is desirable to assure that the energy is affordable and reliable for its citizens and business and protects the environment. Oil, coal, natural gas, nuclear, and renewables are all resources that can, in a balanced mix, provide these benefits.
2. The regulated electricity market in this state is providing benefits from previously established policies to enable the development and utilization of these resources under the authority of the regulatory commission, environmental, energy and economic development agencies in the state. In the case of renewables, these include but are not limited to integrated resource planning, renewable portfolio standard (RPS) mandates, green tariffs, and a market for renewable energy credits are produced by qualified generating facilities.
3. The legislature finds that the cost of renewable energy under the mandate established by this body is paid by all state citizens, including those who already struggle to pay the cost of electricity.
4. The legislature also finds that markets already exist for citizens, businesses, and electricity providers in this state to voluntarily purchase and sell credits for renewable energy. However, this market may not be fully utilized by electricity providers to comply with obligations they may have under the RPS. Furthermore, accurate accounting for all credits is needed.
5. The legislature further finds that it has acted to establish access to national and regional voluntary markets according to public wishes to have the freedom to purchase and sell credits for renewable energy. However, compared to many other states that have established access and encouraged participation in these voluntary markets, it recognizes that more can be done to increase the attractiveness and awareness of such opportunities for its citizens and businesses.
6. The legislature finds that it is in the public interest to promote full use of voluntary markets to increase the amount of credits for renewable energy, while maintaining the existing structure and operation of the state's electricity market and relationships with regional and national organizations.

### Section 2. Definitions

"Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases.

"Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of a renewable resource, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity. Any credit certified by the North American Renewables Registry or one of the regional registries, including ERCOT, MIRECS, M-RETS, NC-RETS, NEPOOL, PJM-EIS or WREGIS, is eligible to be included in the registry.

### **Section 3. Treatment of renewable energy credits in the state's RPS; amendments to the RPS provisions in section [xx.xx] of the [state] revised code**

1. To remove the limitation on electricity providers obligated to comply with the state's RPS to use only renewable energy credits created by their own investments to build or purchase power from renewable electricity generating facilities, section [xxx.xx] is amended to expand the ability of those electricity providers to purchase renewable energy credits unbundled from the energy itself from any party including but not limited to private citizens, businesses, and merchant renewable electricity producers.
2. To remove the limitation on electricity providers restricting the amount of energy credits that can be used to comply with the RPS, section [xx.x] is hereby amended to allow energy credits to be purchased to satisfy annual obligations in any year and to be applied towards future year compliance (i.e. unlimited banking of RECs).
3. To remove the obligation on electricity providers to continue to comply with the RPS when they have purchased sufficient energy credits to satisfy the annual requirements for the full term of the RPS, section [xx.x] is hereby amended to allow energy credits to be purchased in sufficient volume to satisfy all future year requirements (i.e. unlimited banking of RECs).

### **Section 4. Accounting for renewable energy credits used for RPS compliance**

1. Accurate accounting for energy credits will be facilitated as follows.
  - a. The {state} public utility commission/public service commission will assess the transparency and effectiveness of existing national and regional registries of organizations for tracking the sale and purchase in this state of certified renewable energy credits to be able to sum up the credits for this state. Any organization selling certified renewable energy credits are eligible to participate, including utilities and independent power producers, businesses and private citizens.
  - b. If the {state} regulatory public utility commission/ public service commission finds that more transparency and additional information below is needed than currently exists to track and sum the credits from the state, it will create an online gateway listing all certified REC sellers including information about the credits. The gateway must include updated information provided by the seller, including:
    - i. Name and contact information of the selling entity
    - ii. Price
    - iii. Nonpower attributes
  - c. It is not the intention of this act to create a separate state voluntary market for renewable energy credits that replaces current national and regional markets that are working well.



2. Electricity providers will annually report the total number of kilowatt hours of renewable energy credits purchased to the regulatory commission which will certify that the provider is in full compliance with that year's RPS obligation and future year obligations depending upon the number of energy credits purchased.

3. A fee of \$0.xx shall be charged to each energy credit sold by the seller to be used by the regulatory commission to establish and operate the accounting system.

## **Section 5. Cost Recovery**

1. This act recognizes the prudence and reasonableness of the contracts and investments for renewable energy supplies and energy credits already approved, being made, or planned for development in order to comply with the RPS standard. the provisions of this act will not become effective until the regulatory commission establishes that it will approve all costs incurred by electricity providers to comply with this act including but not limited to recovery of all of those stranded assets and costs by the electricity provider should any occur.

## **Section 6. Increasing participation in voluntary renewable energy credit markets.**

a. Each utility will evaluate new and existing options for citizens and businesses to participate in voluntary markets FOR RENEWABLE ENERGY CREDITS such as but not limited to renewable energy certificates and green pricing programs to determine if actions such as increased advertising about them would increase participation levels.

b. In the event that the utility finds such actions are warranted, it will develop a plan with a schedule of costs and activities and submit it to the regulatory agency for approval of the plan and recovery of costs.